

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5398 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

P P BHATT

Versus

STATE OF GUJARAT

Appearance:

MR NITIN M AMIN for Petitioner

MS SIDDHI TALATI for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 11/08/97

ORAL JUDGMENT

Heard learned counsel for the parties.

2. The claim of the petitioner is that the respondents may be directed to give him actual promotional benefits for the period from 17.1.72 to 24.8.77 of the post of Deputy Engineer.

3. It is not in dispute that the petitioner was

given promotion on the post of Deputy Engineer under the order dated 23rd August 1977 on his acquittal by Criminal Court. He claimed deemed date of promotion and he approached this Court by filing Special Civil Application No.1851 of 1978, which came to be decided on 14th December 1983 and direction was given for considering the case of petitioner for promotion from the deemed date. That order has been carried out and the petitioner was given deemed date of promotion to the post of Deputy Executive Engineer from 17.1.72. However, this period was ordered to be treated as notional period and as such he was not allowed to draw any arrears for the said period.

4. The learned counsel for the petitioner very fairly admitted that during the pendency of criminal case, the petitioner was under suspension. So that period of deemed promotion is only the period of suspension and for this period, he could have been only entitled for suspension allowance. He could have been entitled for all benefits in case where suspension was found to be wholly unjustified, which is not the case here. In view of this fact, the claim made by petitioner in this Special Civil Application does not merit.

5. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

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